

### REMARKS

Claim 16 stands rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. *Office Action*, p.2. Claim 7 stands rejected under 35 U.S.C. §112, second paragraph as not providing proper antecedent basis for certain features. *Office Action*, p. 3. Claims 1-20 stand rejected under 35 U.S.C. § 102(e) as being unpatentable over U.S. Pat. Pub. No. 2004/0043758 ("Sorvari"). *Id.*

Claims 15-18 have been canceled without disclaimer or prejudice. Claim 7 has been amended to correctly identify the antecedent basis for each feature. Applicants respectfully traverse each remaining rejection.

#### Claim rejection – 35 U.S.C. § 102

Independent claim 1 stands rejected as anticipated by Sorvari. *Office Action*, p. 3, ¶4. Applicants respectfully traverse this rejection. Sorvari does not include each feature of independent claim 1. For example, claim 1 recites "the menu further comprising a menu locator indicating a location of a current menu within a menu structure." Sorvari does not disclose this feature of claim 1.

Claims 2-9 also stand rejected as anticipated by Sorvari. *Id.* Claims 2-9 depend from claim 1. Since Sorvari does not disclose each feature of claim 1, it also does not disclose each feature of claims 2-9. Claims 2-9 are therefore allowable, at least in light of their dependence from claim 1.

Independent claim 10 stands rejected as anticipated by Sorvari. *Id.* Applicants respectfully submit, however, that Sorvari does not include each feature of independent claim 10. For example, claim 10 recites "displaying the available menu option in the determined appropriate menu location if a metric-based menu display setting is selected; and displaying the available menu option in a preset menu location if a preset display setting is selected." Sorvari does not disclose this feature of claim 10. The Office Action asserts that Sorvari discloses a preset display template linking the plurality of selectable items to fixed menu position at paragraph [0076]. *Office Action*, p. 8, 6th paragraph.

However, Applicants respectfully submit that even if Sovari does disclose present display templates linking the plurality of selectable items to fixed menu positions, it does not anticipate the above cited features of claim 10. Merely disclosing that certain preset menus may exist does not disclose or suggest displaying the available menu option in the determined appropriate menu location if a metric-based menu display setting is selected, and displaying the available menu option in a preset menu location if a preset display setting is selected, as recited in claim 10.

Claims 11-14 depend from claim 10. Since Sorvari does not disclose each feature of claim 10, it also does not disclose each feature of claims 11-14. Claims 11-14 are therefore allowable, at least in light of their dependence from claim 10.

Independent claim 19 recites a computer-readable medium having computer-readable data operable "to display a menu including the at least one selected item in the assigned menu position when the user display preference setting includes a selection of a metrics-based display, and to display a menu including the at least one selected item in a preset menu position when the user display preference setting includes a selection of a preset display." For at least the reasons discussed above with reference to claim 10, Sorvari does not disclose this feature of claim 19.

Claim 20 depends from claim 19. Since Sorvari does not disclose each feature of claim 19, it also does not disclose each feature of claim 20. Claim 20 is therefore allowable, at least in light of its dependence from claim 19.


Any changes to the claims in this amendment, which have not been specifically noted to overcome a rejection based upon cited references, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto. Applicants' failure to challenge any cited reference as prior art should not be construed as an admission by the Applicants that the unchallenged reference does constitute prior art.

Applicants do not believe that any additional fees are due, but if the Commissioner believes additional fees are due, the Commissioner is hereby authorized to

charge any fees which may be required, or credit any overpayment, to Deposit Account Number 50-2469.

Respectfully submitted,

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Date

  
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